

SOLE

Attorney Docket No.02936354



**COMBINED DECLARATION AND POWER OF
ATTORNEY IN ORIGINAL APPLICATION**

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my
name.

I believe I am an original, first and joint inventor of the subject matter which is
claimed and for which a patent is sought on the invention entitled:

**NOVEL SUBSTITUTED BENZIMIDAZOLE DOSAGE FORMS
AND METHOD OF USING SAME**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on 01/19/2002 as
Application Serial No. 10/054,350, and
was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-
identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to the
patentability of this application in accordance with Title 37, Code of Federal Regulations,
Section 1.56.

I do not know and do not believe the invention was ever known or used in the
United States of America before my invention thereof, or patented or described in any printed
publication in any country before my invention thereof or more than one year prior to this
application and that the same was not in public use or on sale in the United States of America
more than one year prior to this application.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119
of any foreign application(s) for patent or inventor's certificate or of any PCT international
application(s) designating at least one country other than the United States of America as listed
below and have also identified below any foreign application(s) for patent or inventor's
certificate or any PCT international application(s) designating at least one country other than the
United States of America filed by me on the same subject matter having a filing date before that
of the application(s) of which priority is claimed.

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119:

COUNTRY (if PCT indicate PCT)	APPLICATION NUMBER	DATE OF FILING (date, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> yes <input type="checkbox"/> no
			<input type="checkbox"/> yes <input type="checkbox"/> no
			<input type="checkbox"/> yes <input type="checkbox"/> no
			<input type="checkbox"/> yes <input type="checkbox"/> no
			<input type="checkbox"/> yes <input type="checkbox"/> no

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America as listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120

U.S. APPLICATIONS			STATUS (check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE		PATENTED	PENDING	ABANDONED
09/901,942	09 JUL 01			X	
09/481,207	11 JAN 00			X	
09/183,422	30 OCT 98				X
08/680,376	15 JUL 96		X		
60/009,608	04 JAN 96				
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NUMBER	PCT FILING DATE	U.S. SERIAL NUMBER ASSIGNED (if any)			

I hereby appoint the following attorneys, with full powers of substitution and revocation and the power to appoint associate attorneys, to prosecute said application, to receive all documents issued by the U.S. Patent and Trademark Office based thereon, including the original Letters Patent, to pay any and all fees, including maintenance fees, to file for reissues or extensions, to request reexamination, and to otherwise transact all business in the U.S. Patent and Trademark Office connected therewith:

MAHONEY, Joseph A. (Reg. No. 38,956), STIEBEL, Thomas R. (Reg. No. 48,682), EVELEIGH, Douglas M. (Reg. No. 43,426), REBMAN, Christine M. (Reg. No. 50,546), RIGG, Robert S. (Reg. No. 36,991), RUFF, Deborah Schavey (Reg. No. 33,770), RUPERT, Donald W. (Reg. No. 29,974), SHULMAN, Daniel H. (Reg. No. 45,106), SPEER, Richard A. (Reg. No. 17,930), TANG, Wayne L. (Reg. No. 36,028), THIMMIG, David M. (Reg. No. 36,034), and WARNECKE, Michael O. (Reg. No. 24,345) all located at Mayer, Brown, Rowe, & Maw 190 South LaSalle Street, Chicago, Illinois 60603-3441. Direct all telephone calls to Joseph A. Mahoney at Telephone No. 312-701-8979.

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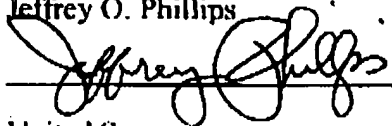
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature

Full Name of Inventor:

Jeffrey O. Phillips

Date:



9/17/2002

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